

Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act (RESTORE Act) Draft Funded Priority List

Executive Summary

The Gulf Coast region is vital to our Nation and our economy, providing valuable energy resources, abundant seafood, extraordinary beaches and recreational activities, and a rich cultural heritage. Its waters and coasts are home to one of the most diverse environments in the world—including over 15,000 species of sea life. The Gulf Coast region has endured significant natural catastrophes, including major hurricanes such as Katrina, Rita, Gustav, and Ike in the last ten years alone. The region has also experienced the loss of critical wetland habitats, erosion of barrier islands, imperiled fisheries, water quality degradation and significant coastal land loss resulting from the alteration of hydrology and other human activities as well as natural forces. Most recently, the health of the region's ecosystem has been significantly affected by the *Deepwater Horizon* oil spill; these impacts spurred passage of the *Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act* ("RESTORE Act" or "Act"). The RESTORE Act dedicates 80 percent of all Clean Water Act administrative and civil penalties related to the *Deepwater Horizon* oil spill to the Gulf Coast Restoration Trust Fund.

The Gulf Coast Ecosystem Restoration Council (Council), comprised of the five Gulf states and six federal agencies, was created by the RESTORE Act to administer part of the Trust Fund in order to "undertake projects and programs, using the best available science, that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast." The Council is responsible for developing a Comprehensive Plan to restore the ecosystem and economy of the Gulf Coast region. The Council approved an Initial Comprehensive Plan (Plan) in August 2013¹ that outlines an overarching vision for Gulf restoration and includes the following five goals:

(1) *Restore and Conserve Habitat* – Restore and conserve the health, diversity, and resilience of key coastal, estuarine, and marine habitats.

(2) *Restore Water Quality* – Restore and protect water quality of the Gulf Coast region's fresh, estuarine, and marine waters.

(3) *Replenish and Protect Living Coastal and Marine Resources* – Restore and protect healthy, diverse, and sustainable living coastal and marine resources.

(4) *Enhance Community Resilience* – Build upon and sustain communities with capacity to adapt to short- and long-term changes.

(5) *Restore and Revitalize the Gulf Economy* – Enhance the sustainability and resiliency of the Gulf economy.

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The Council desires to leave a legacy of holistic Gulf restoration. The ongoing involvement of the people who live, work and play in the Gulf region is critical to making that happen. The Council thanks all those who have participated thus far in the process, and thanks in advance those who will take the time to again offer thoughts on how we can collectively restore the Gulf. The Council is pleased to invite the public to review and comment on a draft list of priority projects and programs ("activities") that will further holistic Gulf restoration. This list is called the Funded Priority List (FPL) and will be a key step in achieving that legacy.

This draft FPL represents an initial investment in foundational, on-the-ground restoration activities while at the same time planning for the future. This FPL also represents a significant step in the Council's work to meet the criteria set forth in the RESTORE Act and achieve the vision, goals, objectives and commitments the Council established in the Plan. This first FPL focuses on Habitat and Water Quality restoration to address the pressing needs in priority watersheds and estuaries throughout the Gulf. The Focus Areas are intended to maximize efficient use of limited funds and encourage synergies among projects and across jurisdictional boundaries. This FPL includes activities that would provide near-term benefits, set the stage for future success, and leverage other restoration efforts. It includes activities that would conserve existing habitat, restore degraded habitat and rebuild lost habitat. At the same time, it supports planning for high-priority future activities in key watersheds and estuaries. Recognizing the need to establish a strong base for future decisions, this FPL also includes foundational restoration investments such as monitoring and tool development.

This FPL would currently fund \$_____ million in restoration activities such as hydrologic restoration, land conservation, and planning for large-scale restoration projects; and prioritize _____ restoration activities for possible funding in the future, subject to further Council review. The Council also recommends setting aside \$_____ million for implementing high-priority activities in the future.

If finalized and approved by the Council, this FPL would provide large-scale ecosystem benefits, including:

- Conservation of _____ acres of high value habitat;
- Restoration of _____ acres of wetlands, submerged aquatic vegetation, oyster reefs, beaches and dune;
- Restoration of _____ linear feet of oil and gas canals and living shoreline; and
- Water quality and/or habitat improvement in ten key watersheds and estuaries.

The funds that would be set aside for future high priority activities have the potential to restore and conserve thousands of additional acres of valuable coastal habitat. Additionally, the planning activities proposed in this FPL could, if implemented later, yield tens of thousands of additional acres of wetland restoration and many miles of living shorelines. In keeping with

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the directives of the Act, all efforts related to this FPL will be made in coordination with other ecosystem restoration and science initiatives occurring in the Gulf, including the ongoing Deepwater Horizon Natural Resource Damage Assessment and Restoration (NRDAR), but will not supersede or otherwise effect the goals of those initiatives.

This FPL includes information on the RESTORE Act and Council in the first Section. The second Section lays out the process the Council used to develop this FPL. The manner in which all selected activities contribute to the types of large-scale, Gulf-wide ecosystem restoration directed by the RESTORE Act and contemplated by the Plan is discussed in Section III. Each of the activities proposed for inclusion in this FPL is laid out in Section IV and is described in detail in an appendix. These appendices include an overview of the proposed activity, its potential benefits and costs, comments addressing the external science reviews all proposals received, and information on compliance with applicable environmental laws. Sections V and VI discuss compliance with all applicable environmental laws as well as next steps and looking to the future. The Council will consider all timely public comments on this draft FPL during the development of the final FPL.

This initial FPL does not represent any precedent for future FPLs. This FPL will be reviewed at least annually, and future iterations will be developed as additional funding becomes available and additional activities are funded. The Council anticipates that once the full amount of funds ultimately available under the RESTORE Act is known, future FPLs may include significantly larger activities that reflect increased funding. Moreover, the types of activities included in future FPLs may differ from those proposed herein, which are based on currently available funding and reflect priorities relevant at this stage in the Council's planning.

The deadline for public comments on this draft FPL is _____.

Comments may be submitted through one of these methods:

Mail: Send to Gulf Coast Ecosystem Restoration Council, Draft FPL Comments, Gulf Coast Ecosystem Restoration Council, 500 Poydras Street, Suite 1117, New Orleans, LA 70130.

Email: Send to draftFPLcomments@restorethegulf.gov.

In general, the Council will make any comments received publicly available on its website, <http://www.restorethegulf.gov>, including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers. All comments received, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

For further information: Please send questions by email to william.spoon@restorethegulf.gov, or contact _____, at (____)-____-____.

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Section I. The RESTORE Act and the Gulf Coast Ecosystem Restoration Council

The RESTORE Act, passed in 2012, dedicates 80 percent of all Clean Water Act administrative and civil penalties related to the *Deepwater Horizon* spill to the Gulf Coast Restoration Trust Fund (Trust Fund). These funds are to be used for restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands and economy of the Gulf Coast region as well as for other related purposes. These efforts are not necessarily focused on restoration of natural resources injured as a result of the *Deepwater Horizon* spill – such injuries are the focus on the ongoing NRDAR – but, rather, represent an opportunity to address a variety of other factors that have negatively affected the Gulf over time.

The Council was established as part of the RESTORE Act and is comprised of the Governors of the States of Texas, Louisiana, Mississippi, Alabama and Florida (“State” or “States”), the Secretaries of the U.S Departments of Agriculture, Army, Commerce, Homeland Security and Interior, and the Administrator of the U.S. Environmental Protection Agency. The Secretary of the Department of Commerce currently chairs the Council. The Council is responsible for administering 60 percent of the total funding allocated from the Trust Fund (Figure 1): 30 percent (plus interest) under the Council-Selected Restoration Component and 30 percent under the Spill Impact Component. As part of the Council-Selected Restoration Component, the Council was responsible for developing the Plan, to restore the ecosystem and economy of the Gulf Coast region. The Council approved the Plan in August 2013¹⁹ that outlines overarching Goals and Objectives for restoration. The five Goals the Council adopted are as follows:

(1) *Restore and Conserve Habitat* – Restore and conserve the health, diversity and resilience of key coastal, estuarine and marine habitats.

(2) *Restore Water Quality* – Restore and protect water quality of the Gulf Coast region’s fresh, estuarine and marine waters.

(3) *Replenish and Protect Living Coastal and Marine Resources* – Restore and protect healthy, diverse and sustainable living coastal and marine resources.

(4) *Enhance Community Resilience* – Build upon and sustain communities with capacity to adapt to short- and long-term changes.

(5) *Restore and Revitalize the Gulf Economy* – Enhance the sustainability and resiliency of the Gulf economy.

The RESTORE Act and the Plan provide a framework for a coordinated, region-wide effort to restore, protect and revitalize the Gulf. This FPL is a critical part of the Plan and identifies a first set of investments in proposed initial restoration activities to implement the vision, goals, objectives and commitments set forth in the Plan.

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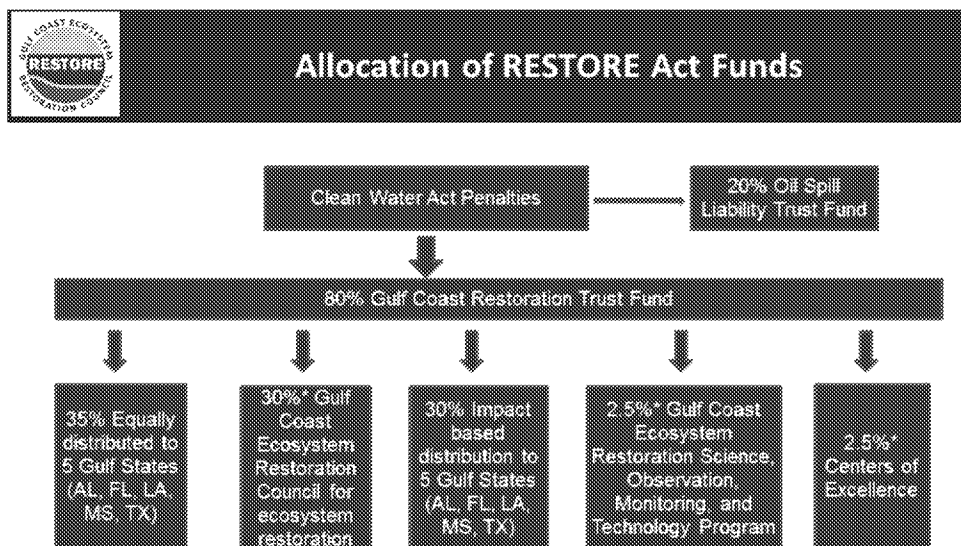
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The RESTORE Act sets forth the following framework for allocation of the Trust Fund:

- 35 percent equally divided among the States for ecosystem restoration, economic development, and tourism promotion (“Direct Component”);
- 30 percent plus interest for large-scale, Gulf-wide ecosystem restoration under a Comprehensive Plan developed by the Council (“Council-Selected Restoration Component”);
- 30 percent divided among the States according to a weighted geographic formula established by the Council pursuant to the RESTORE Act, to implement State Expenditure Plans that are drafted by entities designated in the RESTORE Act for each State and require approval of the Chair of the Council (“Spill Impact Component”);
- 2.5 percent plus interest for the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring and Technology Program within the Department of Commerce’s National Oceanic and Atmospheric Administration (NOAA); and
- 2.5 percent plus interest to the five States for Centers of Excellence Research Grants.

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*Supplemented by interest generated by the Trust Fund (50% to Gulf Coast Ecosystem Restoration Council, 25% to Science Program, 25% to Centers of Excellence)

Figure 1: Allocation of RESTORE Act Funds

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253 | As a result of the settlement of Clean Water Act civil penalties against Transocean
 254 | Deepwater Inc. and related entities, a total of \$800 million, plus interest, has been deposited in
 255 | the Trust Fund. Under the RESTORE Act, thirty percent of that total amount – approximately
 256 | \$241.4 million – is available for allocation by the Council under the Council-selected Restoration
 257 | Component for ecosystem restoration. Additional funding is dependent upon settlement or
 258 | adjudication of additional Clean Water Act civil or administrative penalties against other parties
 259 | responsible for the Deepwater Horizon oil spill.

260 | Of the \$241.4 million available for the Council-Selected Restoration Component, the
 261 | Council has allocated \$183.1 million in this FPL. The Council will use an additional \$37.2 million
 262 | to sustain Council operations through 2023, including the administration of both the Council-
 263 | Selected Restoration Component and the Spill Impact Component. The remaining \$21.1 million
 264 | will be available for contingencies associated with FPL activities, updates to the Plan, other
 265 | programmatic activities the Council may pursue, and changes, if required, to out-year activities.
 266 | Remaining funds will be available for use on future iterations of this FPL. The U.S. Department
 267 | of the Treasury is responsible for compliance and auditing. More information on the
 268 | Department of Treasury's role can be found here. *(For all hyperlinks, we will need to use the*
 269 | *full URL for Federal Register publication)* [x](#)

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Section II. Council Process for Developing this FPL

The Plan set out Goals, Objectives, and processes that the Council would use to identify, evaluate and select projects and programs. In August 2014, the Council requested that its members submit proposals for potential funding.³ Immediately thereafter, the Council published a notice asking for ideas and input from the public on its vision for Gulf restoration, and a series of public meetings were held across the Gulf.⁴ The activities submitted by the members are designed to meet criteria set forth in the RESTORE Act and the Plan. The criteria include:

- provide the greatest contribution to restoring and protecting the natural resources of the Gulf;
- be large-scale;
- come from existing Gulf Coast State's coastal restoration plans; and/or
- provide for long-term ecosystem resilience of resources most impacted by the Deepwater Horizon oil spill.

For this first FPL, the Council requested that proposals be submitted in accord with the Focus Areas of Habitat and Water Quality restoration, and encouraged proposals to also emphasize activities (i.e. the Emphasis Areas) that are Foundational, Sustainable, Likely to Succeed, and for the Benefit of Human Communities.⁵

Each Council member was invited to submit up to five proposals. In addition to their five proposals, Council members could submit proposals on behalf of Federally Recognized Tribes. In total, the Council received 50 submissions (including five proposals proposed on behalf of Federally Recognized Tribes). Within the 50 submissions, approximately 380 discrete components, referred to herein as activities, were proposed for potential funding and inclusion in this FPL. The submissions build upon experience from past ecosystem restoration plans and projects, and reflect public input provided to the Council during the drafting of the Plan and as part of this FPL development process.

The Council independently evaluated each of the member submissions with respect to eligibility, consistency with the RESTORE Act and the Plan, best available science, environmental compliance and budget. The Council produced seven "Context Reports" for each of the fifty submissions – 350 Context Reports in total. Independent scientists and other experts played a critical role in the review of the submissions (see the External Science Review text box for more

External Science Review

The RESTORE Act requires the Council to use the best available science in developing the FPL. To help meet this requirement, the Council utilized volunteer expert reviewers from the States and across the country. These volunteers represented a broad range of independent experts including ecologists, hydrologists, biologists, oceanographers and geologists. The experts produced three science reviews for each submission. The Council greatly appreciates the contributions of the volunteers in ensuring that this FPL is based on the best available science.

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information). The Council is using this and other information – particularly the public input solicited in the notice accompanying this FPL – to help develop an FPL that meets the commitments set forth in the RESTORE Act and the Plan. Additional detail on the Council’s process for developing this FPL, as well as the submissions and the associated Context Reports, are all publicly available on the Council’s website.

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The Council is seeking to select a cohesive suite of activities that as a whole will help establish a strong foundation for future Gulf restoration investments. The Council is also very interested in leveraging other restoration resources and combining projects in a way that produces environmental benefits greater than the sum of the individual activities. Neither the Council nor any of its public or private restoration partners have sufficient funds to fully address the vast ecological challenges facing the Gulf. Effective leveraging of existing resources is critical for maximizing the “bang” for each coastal restoration “buck”.

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To this end, the Council examined different ways in which activities might be combined to produce a complementary suite of projects and programs for a coordinated, effective and balanced FPL that lays the foundation for holistic Gulf restoration. The Council originally developed three different themes to help guide the selection and assembly of different activities under a unifying vision. These themes were used to consider various approaches for developing a cohesive FPL. In developing the themes, the Council once again considered public input, information in the submissions and the Context Reports, and other metrics. Following are the three FPL themes considered by the Council:

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Theme 1 – Focusing on Key Ecosystems & Urgent Needs: This theme emphasized activities that focus on ecosystem need in high-priority watersheds and basins along the Gulf. Funding would have been focused on geographic areas that are identified as top ecological priorities. Corresponding activities address urgent needs and could be combined for a more holistic, place-based approach to the specific situation in each area, while laying the foundation for future restoration activities.

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Theme 2 – Protect, Restore, and Rebuild the Gulf of Mexico Ecosystem: This theme focused on protecting, restoring and rebuilding critical Gulf habitat. Some funds would have been used to conserve high-value coastal habitat. The Council would have prioritized activities that restore coastal habitat that has been degraded, and rebuild in areas where land and habitat has been lost. In some cases this would have included funding for planning or implementation of restoration activities such as marsh re-establishment and hydrologic restoration. This theme would also have emphasized activities designed to improve water quality.

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Theme 3 – Acting Now and Laying the Foundation for the Future: This theme balanced the need for near-term results with the value of establishing a foundation for future restoration. Corresponding habitat conservation and restoration activities would have provided ecosystem benefits in the short-term. At the same time, the Council would have focused on activities such as planning and design needed to advance larger

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projects when more funding becomes available. Additional activities included those that help establish a strong, long-term scientific foundation for future decision-making and ecosystem investments.

Each of these themes has merit and could have been used to develop an effective FPL. However, after closely reviewing the member submissions, the RESTORE Act, the Plan and the public input the Council has received over the past several years, the Council decided that a combination of the three themes would be the best path forward. An integrated theme focusing on protecting, restoring and rebuilding the Gulf's natural resources by addressing ecosystem needs in key watersheds, including activities that provide near-term benefits as well as those that set the stage for future success. The Council used this integrated theme to develop this FPL. This theme, named "Protecting, Restoring and Rebuilding in Key Watersheds—Acting Now and Laying a Foundation for Future Success," is discussed below.

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Section III. Draft Funded Priorities List: Initial Investments in Gulf Restoration,**Key Concepts in this FPL**

The theme of this FPL is: Protecting, Restoring, and Rebuilding in Key Watersheds—Acting Now and Laying a Foundation for Future Success. It includes activities that would provide near-term benefits, set the stage for future success, and leverage other restoration efforts. It includes activities that would conserve existing habitat, restore degraded habitat and rebuild lost habitat. At the same time, it supports planning for high-priority future activities in key watersheds and estuaries. Recognizing the need to establish a strong base for future decisions, this FPL also includes foundational restoration investments such as monitoring and tool development. Collectively, this theme and the proposed activities will aid the Council in meeting the criteria set forth in the Act as well as in achieving the vision, Goals, Objectives, and Commitments established in the Plan. Additional details on key concepts within this theme are provided below.

Protect & Conserve: In some coastal watersheds, ongoing development is a leading cause of habitat loss and degradation. Preventing further loss of valuable habitat is critical for securing the ecological foundation for restoration. The habitat conservation and protection activities in this FPL would support ecosystem resilience. In some cases these actions are derived from existing plans and/or help expand existing large-scale conservation areas.

Restore & Rebuild: To meet the Council's Goals and Objectives, habitat conservation must be paired with activities that restore, rebuild or replace habitats that have been degraded or lost in many watersheds. The habitat restoration measures proposed in this FPL include practices such as reconstructing marsh in areas where it has been lost, and enhancing estuaries, wetlands and other habitats by restoring historic or natural water flows through these systems. Since water is truly the lifeblood of coastal ecosystems, this FPL also includes activities to improve water quality by reducing pollutants.

Laying a Foundation: Just as it is critical to achieve “on-the-ground” results in the near term, it is equally important to lay a foundation for the future. Investments in planning can ensure that good projects are ready to go when additional funding becomes available. In some areas, complex and/or large-scale restoration projects are needed; in others holistic watershed planning is necessary. While the Council is not in a position to fund implementation of all restoration activities today, it can fund planning efforts that are essential for advancing these efforts. Much restoration planning has been done at State and watershed levels. The planning

Leveraging and Co-Funding
The Council is focusing on supporting projects and programs that leverage other efforts. This FPL includes co-funding projects with the National Fish and Wildlife Foundation (NFWF) and the Knobloch Foundation, as well as building on other Gulf restoration efforts from multiple partners and programs such as NRDAR, the Coastal Impact Assistance Program (CIAP), and existing capacities of the Member entities and others around the Gulf of Mexico.

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efforts included in this FPL build upon this existing information and are designed specifically to advance high-value activities. This FPL also includes foundational Gulf-wide activities such as monitoring, tool development, and a conservation corps that will aid the Council in working towards holistic Gulf restoration. These investments will increase synergy with other projects and programs, support local communities and allow the Council to utilize data and tools over the long-term to inform future restoration activities on the best available science and measure the success of the overall program.

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Ten Key Watersheds and Estuaries

Given the size and breadth of the Gulf Coast, it would be impossible to address all the ecological needs with the funds currently in hand. However, it is possible to begin making substantial gains in important areas by focusing resources on watersheds and estuaries that have been identified as priorities by the public, Council members and scientists. To that end, this FPL focuses on key watersheds and estuaries using restoration and protection techniques that are tailored to the needs of the specific area. Following are highlights on the ten key watersheds/estuaries addressed in this FPL.

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Laguna Madre: Located in the lower coast of Texas, the Laguna Madre area is rich in biodiversity and is the only hyper-saline coastal lagoon in North America. Laguna Madre is home to blue crabs, oysters, pelicans, plovers, shrimp, the rare whooping crane and the Kemp's Ridley sea turtle, which nests only on western Gulf beaches. However, the Laguna Madre area faces ecological challenges associated with invasive species, water quality, climate change and habitat fragmentation as the region continues to grow.^{xixi} To address some of the most urgent needs in this area, the Council is proposing to conserve valuable habitat and restore hydrology in the Bahia Grande coastal corridor, and protecting this investment by plugging high-risk oil and gas wells. The proposed Council investments in this area would be leveraged with co-funding from the NFWF and the Knobloch Foundation^{xxii}.

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Matagorda Bay: On the central Texas Coast, the Matagorda Bay system covers 627 square miles of open water. The system is separated and protected from the open Gulf of Mexico by 83 miles of barrier peninsulas and islands.^{xiv} The system ranges from fresh to hyper-saline water, Gulf beaches to quiet coves and sloughs, and emergent fringe marshes to maritime forests and coastal habitats including beaches and dunes. This area is a biodiversity hotspot and supports endangered whooping cranes, piping plovers and sea turtles.^{xv} There is a unique opportunity in this system to protect coastal habitats on a landscape scale because of its relative lack of human fragmentation and development. In 2014 the NFWF Gulf Environmental Benefit Fund (GEBF) awarded \$34.5 Million to support land conservation in this area.^{xvi} The Council proposes to build on this investment, as well as co-fund additional land acquisition in this area, with the Knobloch Foundation. These conservation activities would protect extensive adjacent seagrass and shellfish beds. They would also protect water quality by conserving local estuarine watersheds, filtering runoff and groundwater recharge and preserving

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local freshwater inflows.

Galveston Bay: Located in the upper coast of Texas, this area supports one of the largest metropolitan areas in the United States. Approximately one third of all commercial fishing in Texas originates from this system.^{xvii} The Galveston Bay system and surrounding land also supports habitat for colonial waterbirds and is a regionally significant reserve site and migratory stopover habitat for a number of state and federal endangered species. Galveston Bay once had a thriving oyster industry and included areas of submerged aquatic vegetation. Unfortunately this coastal system has been degraded due to the loss of freshwater inflow, water pollution, disease, predators, coastal development, erosion and invasive species.^{xviii} To aid in addressing some of the most pressing habitat and water quality issues in this area, the Council is proposing to invest in planning related to beneficial use of dredged materials, as well as protecting and restoring riparian corridors. Such riparian corridors are critical for stream ecosystems and help improve water quality in downstream areas, in this case Galveston Bay. This investment builds upon a larger \$145 million initiative in the Houston area that is helping to restore the ecosystem as well as providing numerous community benefits.

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Mississippi River Delta: Louisiana's coastal wetlands are among the Nation's most important natural resources, providing vast ecological and economic benefits to the Gulf and beyond. Louisiana is second only to Alaska in seafood landings,^{xix} and its coastal wetlands, ridges and barrier islands provide critical stopover habitat for millions of migratory birds. It is also a working coast, with navigation and energy assets of national and international importance. Yet this highly valuable coastal system is under severe stress. In the past 80 years, coastal Louisiana has lost a wetland area the size of Delaware^{xx}. Coastal Louisiana represents nearly 40 percent of the wetlands in the continental U.S., but also accounts for approximately 80 percent of the losses.^{xxi} This ongoing coastal land loss crisis results from alteration of the Mississippi River's deltaic processes, reduced sediment inputs, dredging of canals for energy and navigation, natural processes, invasive species, and other factors. Increased rates of relative sea-level rise threaten to worsen the situation. This ongoing loss puts at risk the life and livelihood of communities across Louisiana, and could have serious ecological and economic implications for the Gulf and the Nation. To help address this problem, the Council is investing in wetland restoration by backfilling oil and gas canals while also funding important large-scale restoration planning efforts that would help restore deltaic processes, increase sediment inputs and rebuild lost coastal habitat in key areas. The Council's efforts would build upon investments made by the State in its

Building on Existing State Plans

The Council is proposing to support a number of large-scale planning efforts to lay the foundation for critical projects that address habitat loss in the State of Louisiana and were identified in the State's *Comprehensive Master Plan for a Sustainable Coast*. This is consistent with the RESTORE Act provision for prioritizing projects contained in existing Gulf Coast State comprehensive plans.

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642 Comprehensive Master Plan for a Sustainable Coast^{xxii} and other coastal restoration planning
643 projects.

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645 **Mississippi Sound:** Mississippi’s coastal waters include 758 square miles of estuaries,
646 bays bayous, tidal rivers and creeks, and other ecological assets that support commercial and
647 recreational fishing and a nationally important oyster industry.^{xxiii} The Mississippi coast is laced
648 with scenic streams including the longest undammed river in the lower 48 states, the
649 Pascagoula.^{xxiv} Mississippi’s coastal watersheds include barrier islands,
650 marsh, maritime forest, pine savannahs, cypress swamp, oyster reefs,
651 seagrass, salt flats and other resources. These important coastal areas
652 are threatened by a variety of stressors, including pollution, coastal
653 development, energy development, erosion, hydrological alteration, changes in freshwater
654 inflow, structural marsh management and overfishing.^{xxv} The result has been a decline in the
655 extent and health of critical habitats. To help address these challenges, the Council is investing
656 in landscape scale planning and restoration based on beneficial use of dredged materials,
657 hydrologic restoration, and land conservation and management which will restore and connect
658 diverse habitats from east to west which is crucial for ecosystem and economic recovery of the
659 northern Gulf coast.

660

661 **Mobile Bay:** The Mobile River Basin has been referred to as “America’s Amazon”^{xxvi} and
662 discharges to a coastal area composed of terrestrial, freshwater, estuarine and marine
663 ecosystems that support a diverse and important assemblage of plants and animals. Alabama
664 ranks fifth among U.S. states in biodiversity, and first among those east of the Mississippi
665 River.^{xxvii} Alabama’s coastal resources support commercial and recreational activities from the
666 sandy beaches of Gulf Shores to a thriving deep-sea fishing industry. The habitats around
667 Mobile Bay are under stress due to factors such land-use conversion, shoreline hardening,
668 invasive species and water quality degradation. To help restore these diverse coastal resources,
669 the Council is investing in submerged aquatic vegetation, living shoreline
670 and hydrologic restoration projects, as well as monitoring and planning to
671 leverage other restoration efforts and prepare for the future when more
672 funds become available. The Council is also proposing to build on prior
673 water quality and habitat restoration activities by investing in the thriving Mobile Bay National
674 Estuary Program.^{xxviii}

675

676 **Pensacola Bay:** The Pensacola Bay estuary system covers 144 square miles and is
677 comprised of several interconnected sounds or bays. The watershed’s diverse habitats support
678 more than 200 species of fish and shellfish, including rare, imperiled, or threatened plant and
679 animal species.^{xxix} Pensacola Bay was once known for its thriving oyster industry; but because of
680 the lack of suitable substrate and disease, the oysters declined and have been slow to
681 recover.^{xxx} During the 1960s, approximately 9,500 acres of seagrass were
682 observed; by 2003 seagrasses in the system covered only around 511
683 acres.^{xxxi} In addition, eight marine waterbody segments in the Pensacola
684 Bay system are nutrient-impaired. To support holistic restoration of the
685 Pensacola Bay system, the Council is proposing both water quality and living shoreline projects

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that are leveraged with NFWF, NRDAR and local dollars. In addition, the Council is proposing to implement a new EPA Gulf Estuary Program that would primarily focus on restoring water quality while also addressing restoration and conservation of habitat.

Apalachicola Bay: Florida's Apalachicola/Chattahoochee/Flint watershed contains some of the highest biological diversity east of the Mississippi River, including species (many threatened and endangered) of freshwater fish, birds, mammals, manatees, beach mice, and freshwater mussels.^{xxxii, xxxiii} This area has been degraded by changes in freshwater flow from upstream dams and the use of river water for municipal, industrial and agricultural purposes. For many years, Apalachicola Bay has supported the largest oyster-harvesting industry in Florida, as well as extensive shrimping, crabbing and commercial fishing; however the industry has been in decline due to ecosystem degradation.^{xxxiv, xxxv, xxxvi} To help address these issues, the Council is investing in activities such as working with private landowners to restore water quality by implementing best management practices, as well as hydrologic restoration to restore fragile habitats. In addition, investments are being made in oyster restoration that builds on other coastal restoration efforts such as those being made by the NRDAR.^{xxxvii}

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Working with Private Landowners to RESTORE the Gulf

The Council is proposing to partner with private landowners in Florida to implement land use practices (known as Best Management Practices or BMPs) that would improve water quality and habitat. This initiative would help agricultural landowners manage the quality and quantity of waters that contribute to the Apalachicola and Suwannee Rivers and ultimately the Gulf. By cost sharing with private landowners, the Council would further leverage the currently available RESTORE funds.

Suwannee Watershed: The Suwannee Watershed encompasses a number of smaller river basins, including the Suwannee River, and drains into the *Big Bend Region*, which contains one of the two largest contiguous seagrass beds in the continental U.S.^{xxxviii} The Big Bend Region supports a variety of bird species and other wildlife, and the seagrasses in this area sustain the premier Florida scallop population and recreational harvest and provide Essential Fish Habitat (EFH) for federally listed species such as manatee, sturgeon, and sea turtles.^{xxxix, xl} The Suwannee River drains a large agricultural basin and the nutrient loss from these agricultural activities is a considerable environmental stressor to the downstream habitat.^{xli} The Council is proposing to work with private landowners to improve irrigation system efficiency that would in turn reduce nutrient loading, improve water quality, and restore and protect downstream habitat.

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Tampa Bay: More than 95 percent of the commercially and recreationally fished species in the Gulf depend on estuaries during some part of their life cycle.^{xlii} With Florida having almost half of the U.S. estuaries bordering the Gulf,^{xliii} restoring these estuaries is integral to sustaining a healthy Gulf ecosystem. Tampa Bay, the largest open-water estuary in Florida, has a wide variety of animals including manatees, wading birds, and over 200 species of fish.^{xliv}

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However, many of these coastal resources have suffered loss from a variety of stressors, including elevated surface-water temperatures, tropical storms, coastal development and agriculture runoff, and invasive species. Restoration in the Tampa Bay area has been ongoing for many years and has resulted in water quality and habitat improvements. Yet work remains to be done to ensure the health and sustainability of this important coastal system. To that end, the Council is proposing to build on those prior efforts by investing in additional water quality and hydrologic restoration efforts, while also continuing to support the extremely successful Tampa Bay National Estuary Program.^{xlv}

Foundational Gulf-Wide Investments Now and for the Future

In addition to focusing on key watersheds, Gulf-wide investments are important to support holistic ecosystem restoration and lay the foundation for future success. Details on some of the Council's proposed Gulf-wide and foundational restoration investments are discussed below.

Working with Partners: Over 80% of the geographic acreage around the Gulf is in private ownership and is used for forestry and agriculture. The quality and, to a large extent, the quantity of freshwater entering the Gulf is affected by how those land uses are managed. The Council recognizes that the conservation legacy of state fish and wildlife agencies, federal land management agencies, NGOs and private land stewards has provided a strong foundation to help protect and restore the ecological richness of the Gulf region. Land protection and conservation aimed at private landowners and other partners is a priority for foundationally securing Gulf-wide ecosystem integrity. Therefore, the Council proposes to support Gulf-wide grant programs that will make RESTORE funds available to enhance private/public partnerships that support land protection and conservation across the Gulf Coast.

Planning Tools: The Council's Initial Comprehensive Plan identifies the need to improve science-based decision-making and develop science tools to support future ecosystem investments. The Council proposes to invest in a conservation prioritization tool to guide future habitat conservation efforts. The Council would also invest in a streamflow alteration mapping tool that can be used at the regional, state, and watershed level to facilitate the prioritization of future restoration actions that affect Gulf estuaries.

Monitoring: The Council recognizes the importance of measuring outcomes and impacts in order to achieve tangible results and ensure that funds are invested in a meaningful way. Monitoring can both assess the overall effectiveness of the Council's currently proposed investments and help inform the selection of future projects. While each Council-funded project will perform site-specific monitoring, the Council proposes to invest in a broader monitoring and coordination effort that would build on existing programs and establish protocols and standards to enable data to be aggregated. This investment would help the Council evaluate progress towards comprehensive ecosystem restoration and leverage ongoing efforts. In addition, to support science-based decision-making, the Council is proposing to invest in pilot projects that include data compilation, collection and assessment that would

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790 enable a better understanding of ecosystem change over time as a result of restoration and/or
791 other human activities.

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793 **Restoring the Gulf while Investing in Local Communities:** The Council proposes to
794 invest in a Gulf Coast Conservation Corps Program (GCCC Program) that would benefit both the
795 environment and coastal communities by equipping local citizens with the knowledge, skills and
796 ability to implement and manage conservation projects. A GCCC Program would support on-
797 the-ground-restoration; build on existing partnerships among federal, state, academic, and
798 non-profit organizations; recruit and train local workers (particularly youth, veterans, and
799 displaced workers); and provide paid, hands-on work experience. In addition, the Council
800 recognizes the importance of working with the Federally Recognized Tribes and would be
801 incorporating a youth tribal component as part of the GCCC Program.

802 **Large-Scale Ecosystem Benefits**

803
804 The activities proposed for inclusion in this FPL are shown on the following map. This
805 FPL, if approved and finalized, would benefit a range of important natural resources. These
806 benefits include:

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- 807 • Conservation of ___ acres of high value habitat;
- 809
- 810 • Restoration of ___ acres of wetlands, submerged aquatic vegetation, oyster reefs,
- 811 beaches and dune;
- 812
- 813 • Restoration of ___ linear feet of oil and gas canals and living shoreline; and
- 814
- 815 • Water quality and habitat improvement in ten key watersheds.

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816 In addition, the Council is also setting aside funds that could be used for implementing
817 projects and programs that could conserve and restore thousands more acres of important
818 habitat and many miles of living shorelines. The Council is also investing in planning projects,
819 which if implemented with funds from the Council or other sources would restore up to ___
820 acres of wetlands and other habitats and ___ linear miles of living shorelines, among other
821 benefits. As discussed earlier, the proposed investments in this FPL would also help to establish
822 a strong scientific and human foundation for future coastal restoration efforts.

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Gulf-wide Map of This FPL

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Section IV. Categories of Proposed Activities

This FPL is comprised of two separate categories of activities (or components of the original proposals submitted by the members). Category 1 includes activities that the Council proposes to currently approve and fund. Category 2 includes activities that are the Council's proposed priorities for further consideration and potential future funding. The Council proposes reserving approximately \$___ million for the implementation of activities in the future. The Council is not currently deciding on, approving or guaranteeing the expenditure of any of these reserved funds for any particular activity, including any activity listed in Category 2.

The reserved funds may be used for some, all or none of the activities listed in Category 2 and/or to support other activities not currently under consideration by the Council, as the Council may determine in its sole discretion. Once this FPL has become final, any subsequent material modification(s), and any related funding decision(s), shall be made by the Council in its sole discretion by Significant Action Vote(s)¹ in accordance with all applicable laws.

The Council intends to review, at least annually, each proposed activity in Category 2 in order to determine whether to: (1) approve funding for that activity and move it to Category 1, (2) remove it from Category 2 and any further consideration, or (3) continue to include it in Category 2. Reasons for removing an activity from further consideration may include without limitation a failure to address regulatory requirements or the emergence of a feasibility, environmental, scientific, technical, policy or other issue.

If an activity is listed in both Categories 1 and 2, the Council is proposing to approve funding for the planning and/or technical assistance portion of the activity in Category 1 and to include the associated implementation activity in Category 2 for further consideration. Council approval of funding for a planning or technical assistance activity does not constitute any Council commitment to or approval of funding for any associated implementation activity in the future.

FPL Category 1: Activities Approved for Funding (see appendices for details)

(A) (Insert title) – The Council proposes to approve \$___ million for use in ____.

(B) (Insert title) – The Council proposes to approve \$___ million for use in ____.

(C) (Insert title) – The Council proposes to approve \$___ million for use in ____.

¹ Under the Act, a Significant Action Vote on a Council action means that an affirmative vote by the Chairperson and a majority of the State members is required for the action to become effective.

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872 (D) (Insert title) – The Council proposes to approve \$__ million for use in ____.

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874 (E) (Insert title) – The Council proposes to approve \$__ million for use in ____.

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876 (F) (Insert title) – The Council proposes to approve \$__ million for use in ____.

877

878 (G) (Insert title) – The Council proposes to approve \$__ million for use in ____.

879

880 ***FPL Category 2: Activities Prioritized for Potential Future Funding (see***
881 ***appendices for details)***

882

883 (W) (Insert title) – This project/program, if funded for implementation, would involve ____.

884

885 (X) (Insert title) – This project/program, if funded for implementation, would involve ____.

886

887 (Y) (Insert title) – This project/program, if funded for implementation, would involve ____.

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Section V. Compliance with Applicable Environmental Laws and Other Requirements

The Council must comply with all applicable federal environmental and other laws, Executive Orders and policies. As noted above, this FPL is comprised of two distinct categories. With respect to Category 1 activities, the Council will need to comply with applicable environmental requirements for those activities that could have an effect on the environment. Such activities typically involve actual on-the-ground implementation of projects and programs. However, some of these Category 1 activities involve only planning and technical assistance activities that in and of themselves would not have an effect on the environment, and thus do not require formal environmental review. In fact, all of the planning and technical assistance activities proposed in this FPL include funding to conduct the environmental compliance activities that need to be completed for Council consideration before any implementation monies are approved in the future.

Activities in Category 2 are proposed priorities for potential future funding for which the Council has made no current commitment other than further review and consideration. In the context of this FPL, where there is no commitment to funding, no federal environmental laws, such as the National Environmental Policy Act (NEPA), are triggered.

A number of the activities proposed for funding in this FPL have been previously reviewed pursuant to NEPA and other laws. In some cases, such NEPA analysis has been completed in the form of an Environmental Assessment (EA) or Environmental Impact Statement (EIS). Where appropriate, the Council is considering adopting existing NEPA documentation in order to expedite implementation of proposed activities. Other submissions, or components of submissions, might be covered by a NEPA Categorical Exclusion (CE). Prior to using a CE, the Council will ensure that there are no extraordinary circumstances that would require additional analysis pursuant to NEPA. NEPA CEs are used for activities that individually and cumulatively do not have a significant effect on the environment. Prior to adopting a NEPA document or using a member CE, the Council will consider whether additional NEPA review is warranted (e.g., in cases where there may be significant environmental impacts that have not been previously assessed). In such cases, the Council would complete the additional NEPA review prior to approving funding for implementation of the given activity.

Each activity proposed for funding in Category 1 presents unique characteristics that are relevant to the question of which environmental requirements apply. Where applicable, the attached appendices provide information regarding compliance with applicable environmental requirements, including NEPA and other laws. In cases where the Council is proposing to adopt an EA or EIS, a link to that document is provided. Where applicable, the appendices provide information on the CE or CEs the Council is proposing to use in association with a specific activity. As with the other aspects of this FPL, the Council welcomes public comments pertaining to environmental compliance.

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In addition to NEPA, the following federal environmental laws, Executive Orders and policies, as well as other authorities not listed below, may be applicable to Council approval of funding in the FPL, depending on the specific proposed activity:

The Endangered Species Act (ESA) requires all federal agencies to ensure that any action authorized, funded or carried out in the United States or upon the high seas is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat. Federal agencies have the responsibility for ensuring that a protected species or habitat does not suffer adverse effects from actions taken under federal assistance awards, and for conducting the required consultations with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS), as applicable.

The Magnuson-Stevens Fishery Conservation and Management Act requires federal agencies that fund, permit or carry out activities which may adversely impact essential fish habitat to consult with NMFS regarding the potential effects of their actions, and respond in writing to NMFS recommendations. These recommendations may include measures to avoid, minimize, mitigate or otherwise offset adverse effects on essential fish habitat.

The National Historic Preservation Act requires federal agencies to consult with State or Tribal Historic Preservation Officers, Federally Recognized Tribes, or other applicable interested parties to identify historic properties, assess adverse effects to them and determine ways to avoid, minimize or mitigate adverse effects on historic properties.

The Fish and Wildlife Coordination Act requires federal agencies that construct, license or permit water resource development projects to first consult with the FWS (and NMFS in some instances) and State fish and wildlife agencies regarding the impacts on fish and wildlife resources and measures to mitigate these impacts.

Executive Order 11988 (“Floodplain Management”) requires federal agencies to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare and to restore and preserve the natural and beneficial values served by floodplains in carrying out certain agency responsibilities.

Executive Order 11990 (“Protection of Wetlands”) requires federal agencies to minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands in carrying out certain agency responsibilities.

Executive Order 12898 (“Environmental Justice in Minority Populations and Low Income Populations”) directs federal agencies to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and

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adverse human health or environmental effects of their programs, policies and activities on minority populations and/or low-income populations.

Executive Order 13653 (“Preparing the United States for the Impacts of Climate Change”) directs federal agencies to identify opportunities to support and encourage smarter, more climate-resilient investments by States, local communities and Federally Recognized Tribes, including by providing incentives through agency guidance, grants, technical assistance and other programs.

In addition to these laws and Executive Orders, the Council has considered the applicability of the Principles, Requirements and Guidelines for Water and Land Related Resources Implementation Studies (PR&G). The PR&G provides guidance for federal agencies when they are evaluating and selecting water projects, including projects related to wetland restoration and other activities. Since the development of the draft FPL began before the release of the interagency guidance regarding the PR&G, this FPL will not be reviewed under the PR&G framework. For future FPLs, federal members of the Council will re-evaluate the applicability of the PR&G framework as they consider projects for proposal.

Other environmental laws and requirements may apply at subsequent stages of the activities proposed in this FPL; for example, compliance with the Clean Water Act would be required prior to implementation of an activity which would involve the discharge of fill material into a wetland. The Council and activity sponsor will ensure compliance with all applicable laws in the appropriate stages of the activity. The Council is committed to fully, effectively and efficiently addressing all applicable environmental laws and requirements.

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Section VI. Next Steps and Looking to the Future

The Council plans to hold public meetings across the Gulf to discuss the draft FPL. *(Insert details on public meetings.)* The Council will carefully consider comments provided at the public meetings as well as all written comments on this proposed FPL. In response to public comments, the Council may modify or remove proposed activities from the FPL and/or add different activities. Additionally, the Council may move an activity from one category to another if the environmental compliance status of the given activity changes or for other reasons. The Council intends to vote on and publish the final FPL before the end of the calendar year.

Once an activity is approved for funding on the final FPL, the associated funds are available for transfer to the sponsor through either a federal grant (if the sponsor is a State agency) or an interagency agreement (IAA) (if the sponsor is a federal agency). The Federal Register notice *Council Member Summary Notice of Application Process for Council-Selected Restoration Component Projects and Programs* *(add publication information and link)* describes at a summary level the process for the distribution of funds under the Council-Selected Restoration Component. The Council member sponsors of approved activities have the primary responsibility for implementing those activities, subject to oversight by the Council.

The Council looks forward to hearing the public's views on this draft FPL. In addition to helping develop an effective final FPL, public input will also help the Council as it considers the best way to develop future iterations of the Comprehensive Plan and accompanying FPL. While the amount and timing of future funds is unknown, the Council must be ready to effectively administer such funds. Lessons learned in developing the current FPL will be applied to future efforts.

This first FPL is a key step to achieving comprehensive ecosystem restoration. The ongoing involvement of the people who live, work and play on the Gulf is critical to making that happen. The Council thanks all those who have participated and appreciates the continued partnership on how we can collectively restore the Gulf.

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1082 Appendix A to ____: Projects and Programs in the Draft FPL
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1084 References

ⁱhttps://www.restorethegulf.gov/sites/default/files/GCERC%20Comp%20Plan%20Fact%20Sheet_3.pdf

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